

Amendment in response to
April 23, 2007 final Office action

Atty Dkt No.: 2003P19276US
Serial No.: 10/812,553

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REMARKS

Claims 1 – 26 remain in the application and stand finally rejected. Claims 1, 2, 4, 11, 15, 16 and 20 are amended by this proposed amendment. Although this amendment is being timely filed, the Commissioner is authorized to charge any fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

Claim 1, 2, 4, 11, 15, 16 and 20 are amended to better recite the invention, and in particular, to recite that the communications devices are being monitored, not the stored information. This amendment to the claims is supported, for example, in the specification on page 7, lines 25 – 28. Specifically, “prodding can be initiated, for example, when a MS 106, 108 moves between cells, when a wireless networked device 104 moves between access point 136 coverage areas or, when a user unexpectedly logs on from a terminal 102, 110.” *Id.* So, if the user device changes location or the user switches to a remote device, the change is noted and the users is prodded *because* of the move and regardless of what is scheduled in the future. This is neither shown, nor suggested by any reference of record. No new matter is added.

Claims 1 – 26 are finally rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 6,484,033 to Murray. The final rejection is respectfully traversed.

In responding to the applicant’s assertion that the present invention is different than Murray, because Murray monitors a stored schedule, not the current location and presence of user devices; the final Office action asserts that because

Murray shows the schedules of various mobile device owners that require the owner to be in diverse locations. Reminders are sent to the mobile device when the detected location and presence information differ from the expected location and presence information. (Col. 4 line 60 through Col. 5 line 43) ... [and] whenever the mobile device is not at the expected location, a reminder is sent, which meets the limitations set forth in claim 1.

However, before sending the reminder, the mobile device must be at an unexpected location *at the time an event is scheduled to occur*. As previously noted, the Murray application server 76 monitors stored event information and only the occurrence of a scheduled upcoming

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event (i.e., in anticipation of the event or the actual occurrence of the event) causes action by the Murray application server 76. Col. 10, lines 38 – 46 (“in Step 166, the event information 120 and current location 122 of the wireless communication device 32 are compared to the event criteria parameters 129. This comparison is done by the server event management application 82. When the event information 120 and the current location 122 do not match the event criteria parameters 129 in Step 166, the process ends.”). Until after a scheduled time for an event passes, the application server 76 takes no action. *Id.*, lines 59 – 65 (“Additionally, an update message 36 can be sent to the wireless communication device 32 to indicate to the device user 68, via the alert circuit 102 and/or display 104, that a match **has occurred** in Step 166, and that the device user 68 is possibly in a location too far from the upcoming event to allow the device user 68 to attend.”). However, between events, the device user 68 can be using other devices, traveling to distant locations, even out of the country, unnoticed and unprodded by the Murray application server 76. As long as the device user 68 is in the correct location when the event occurs, Murray does not send an update message, “the process proceeds to Step 168.” *Id.*, line 46. *See also*, col. 11, lines 1 – 43.

By contrast, as noted above, because the identity context reminder service monitors the communications devices for location and presence status and compares current location and presence status with expected “location and presence status for inconsistencies,” the identity context reminder service identifies location and presence changes in real time. Those changes are characterized by inconsistencies that occur whenever the monitored devices indicate that a respective user is at an unexpected location. An inconsistency may occur, for example, because a respective device is out of its expected location (“when a MS 106, 108 moves between cells, when a wireless networked device 104 moves between access point 136 coverage areas”) or, because the respective user is using a different device (“a user unexpectedly logs on from a terminal 102, 110.”). *Supra*. Thus, any of these events may trigger “a reminder to respective communications device” as recited in claim 1 at lines 9 – 10, *and see*, claims 12 (step b), 16 (lines 7 – 8), 20 (lines 9 – 11) and 24 (step b).

So instead of prospectively monitoring and reacting to a stored schedule, as taught in Murray, the present invention monitors the current location and presence of the devices and

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reacts to changes in location and presence of the devices or the users. Thus, the present invention as claimed by claims 1 – 26, both as finally rejected and as amended by this proposed amendment, is quite different than the Murray wireless communications system. Therefore, Murray fails to teach, and does not suggest, the present invention as recited in claims 1, 12, 16, 20 and 24. Reconsideration and withdrawal of the final rejection of claims 1, 12, 16, 20 and 24 under 35 U.S.C. §102(b) is respectfully requested.

Furthermore, since dependent claims include all of the differences with the prior art as the claims from which they depend, claims 2 – 11, 13 – 15, 17 – 19, 21 – 23, 25 and 26 which depend from claims 1, 12, 16, 20 and 24 are not taught or suggested by Murray. Reconsideration and withdrawal of the final rejection of claims 2 – 11, 13 – 15, 17 – 19, 21 – 23, 25 and 26 under 35 U.S.C. §102(b) is respectfully requested.

The applicant thanks the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the proposed amendment to the claims and for the reasons set forth above, the applicant respectfully requests that the Examiner enter the amendment, reconsider and withdraw the final rejection of 1 – 26 under 35 U.S.C. §102(b) and allow the application to issue.

The applicant previously noted that MPEP §706 “Rejection of Claims,” subsection III, “PATENTABLE SUBJECT MATTER DISCLOSED BUT NOT CLAIMED” provides in pertinent part that

If the examiner is satisfied after the search has been completed that patentable subject matter has been disclosed and the record indicates that the applicant intends to claim such subject matter, he or she may note in the Office action that certain aspects or features of the patentable invention have not been claimed and that if properly claimed such claims may be given favorable consideration.

(emphasis added.) The applicant believes that the written description of the present application is quite different than and not suggest by any reference of record. Accordingly, should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney by telephone at (650) 694-5339 for a telephonic interview to discuss any other changes.

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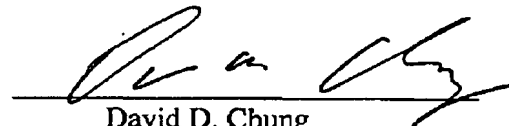
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Respectfully submitted,

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